

# City of Willoughby Hills

## ORDINANCE NO. 2016-15

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**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT MODIFICATION AGREEMENT BY AND BETWEEN CITY OF WILLOUGHBY HILLS, OHIO AND RICHARD L. BOWEN + ASSOCIATES, INC.; REPEALING ANY AND ALL CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**WHEREAS**, Ordinance No. 2015-4, adopted by Council on February 26, 2015 authorized and directed the Mayor to enter into an agreement with Richard L. Bowen + Associates, Inc. of 13000 Shaker Boulevard, Cleveland, Ohio 44120, pursuant to the terms and conditions identified and outlined in the “*Agreement Between the City of Willoughby Hills, Ohio & Richard L. Bowen + Associates, Inc. for City Engineering Services*”, terms there of effective February 1, 2015 through January 31, 2019; and

**WHEREAS**, the original Agreement, marked as the “Exhibit A” of Ordinance No. 2015-4 consisted of thirteen (13) pages and addressed: Basic Services, Additional Services, Documents, Authorization for Additional Engineering Work, Status Report, Autocad, Terms of Appointment and Agreement, Cost, Acceptance of Other Employment, Disputes, Termination of Agreement, Insurance, Indemnification and Miscellaneous; and

**WHEREAS**, the original Agreement, marked as the “Exhibit A” of Ordinance No. 2015-4 identified Pietro A. DiFranco, P.E. as “City Engineer”; Daniel J. Collins, P.E. as “Assistant City Engineer” and Kevin Trepal, P.E. as “Assistant City Engineer”; and

**WHEREAS**, the said original Agreement provided for the City Engineer to receive a retaining fee in the of Thirteen Thousand Dollars (\$13,000) and for two Assistant City Engineers, identified above, to each receive a retaining fee in the sum of Six Thousand Five Hundred Dollars (\$6,500.00) per annum unless increased by Council; and

**WHEREAS**, the Contract Modification Agreement, marked as the “Exhibit B” now provides for the removal of Daniel J. Collins, P.E. as “Assistant City Engineer” and increases the retaining fee for Kevin Trepal, P.E. serving as “Assistant City Engineer” to the amount of Thirteen Thousand Dollars (\$13,000) per annum.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:**

**SECTION 1.** The Mayor is hereby authorized and directed to enter into the **Contract Modification Agreement by and between City of Willoughby Hills, Ohio & Richard L. Bowen + Associates, Inc., attached hereto as the “Exhibit B”**, consisting of one (1) page and incorporated herein by reference. Said Contract Modification Agreement recognizes Pietro A. Di Franco, P.E. as the “City Engineer” and Kevin Trepal, P.E. as the “Assistant City Engineer” and provides for the Assistant City Engineer to receive a retaining fee in the sum of Thirteen Thousand Dollars (\$13,000) per annum.

**SECTION 2.** All Ordinances, or parts thereof in conflict with the provisions of this Ordinance be, and are hereby repealed as of the effective date of this Ordinance.

**SECTION 3.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 4.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of a Municipal Department, and further reason being to enact the Contract Modification Agreement by and between City of Willoughby Hills, Ohio & Richard L. Bowen + Associates, Inc., attached hereto as the **“Exhibit B”** by May 1, 2016 with said amendments to be reflected in the subsequent pay period; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: \_\_\_\_\_, 2016

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**Nancy E. Fellows**  
*President of Council*

Submitted to the Mayor for his approval  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Approved by the Mayor

ATTEST:

\_\_\_\_\_, 2016

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**Victoria Ann Savage, CMC**  
*Clerk of Council*

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**Robert M. Weger**  
*Mayor*